

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 12, 2009
8:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, May 12, 2009 at 8:00 A.M. and 10:15A.M. Chairman Pierce called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Horace Dannehl, Ivan Klein, Timothy Loewenstein, William McMullen, Sherry Morrow and Richard Pierce. Absent: Kent Greder. Chairman Pierce announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted at the back of the Board Room.

Posting and publishing gave notice of the meetings in advance, thereof. Notice of the meetings was simultaneously given to all members of both Boards; and availability of the agenda was communicated in the advance notice and in the notice to both Boards of this meeting. Said agenda was also furnished to all area news media. A copy of the acknowledgment and receipt of notice and agenda by the Board members is attached to these minutes. County Clerk Janice Giffin took all proceedings hereinafter shown while said meeting was open to the public. County Attorney Shawn Eatherton was present.

Chairman Pierce called for Citizen's forum and no one was present to address the Board at this time.

CONSENT AGENDA

Chairman Pierce inquired if there was anything which needed to be removed from the Consent agenda. There was nothing to be removed therefore; Chairman Pierce declared the General County Business listed below approved without further hearing.

GENERAL COUNTY BUSINESS

1. Approve May 6, 2009 minutes
2. Accept reports
 - Clerk of District Court Report for April 2009
 - Detention Center Report for April 2009
 - County Treasurer Fund Balance Report for April 2009

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence with the Board. NIRMA sent the Quarterly Loss Reports. Beth Ferrell from NACO sent the proposed amendment change to TERC standards for the Board to review and the NACO Legislative Report. The Buffalo County Community Partners Newsletter was also received. Chairman Pierce then called on each Board member for the various committee reports and recommendations.

Moved by Morrow and seconded by Loewenstein to approve an early claim submitted by the County Clerk for Frontier Communications in the amount of \$703.22. The Frontier claim submitted in April had credit that was removed in error. By processing this early claim a particular project with Frontier can be closed out. Upon roll call vote, the following Board members voted "Aye": Morrow, Loewenstein, Dannehl, Klein, McMullen and Pierce. Absent: Greder. None voted "Nay". Motion declared carried.

Moved by Dannehl and seconded by Klein to approve the tax refund request submitted by County Treasurer Jean Sidwell for Farm Credit Leasing in the amount of \$207.30. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Loewenstein, McMullen, Morrow and Pierce. Absent: Greder. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Loewenstein to refer the Deed of Conservation Easement between Michael & Patrese O'Brien (Grantor) and Wetlands America Trust (Grantee) to the Buffalo County Planning and Zoning Commission. The Planning and Zoning Commission will review this May 21, 2009 and return their recommendation to this Board on the May 26, 2009 regular Board meeting.

Chairman Pierce opened the discussion regarding group health insurance coverage. Supervisor Greder arrived at 8:30 A.M. In addition to the Officials previously mentioned, the following County Officials were present for the discussion: County Sheriff Neil Miller, County Treasurer Jean Sidwell, Election Commissioner Glenda DeBrie and Weed Superintendent Dick Kincaid. Also present during the discussion were Jack Lindstrom, Tim Shada and Tim Hughbanks. The draft copy of the request for proposals was reviewed and a break was taken for the Personnel Committee to make some changes to the copy and return the draft for further review later in the meeting.

JUSTICE CENTER PROJECT

Joe Beckenhauer and Bill Barritt from Beckenhauer Construction were present for updated reports and discussion. Moved by Dannehl and seconded by Morrow to approve Change Order Request number 7 of the Phase 1C project. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Klein, Loewenstein, McMullen and Pierce. Absent: Greder. (Greder was working on the draft of the request for proposal of the group health insurance coverages.) None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Klein to recess the regular meeting of the Board of Supervisors at 10:25 A.M. and reconvene as a Board of Equalization. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

BOARD OF EQUALIZATION

Chairman Pierce called the Board of Equalization to order in open session. County Assessor Joe Woodward and County Treasurer Jean Sidwell were present. Greder returned to the meeting. Moved by Loewenstein and seconded by Morrow to approve tax list corrections 3556 through 3575 submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Morrow, Dannehl, Greder, Klein, McMullen and Pierce. None voted "Nay". Motion declared carried.

Moved by Dannehl and seconded by Loewenstein to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Sidwell for Evangelical Lutheran Good Samaritan Society on a 1998 Ford Cutaway Van. Upon roll call vote, the following Board members voted "Aye": Dannehl, Loewenstein, Greder, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Loewenstein and seconded by Dannehl to recess the Board of Equalization at 10:30 A.M. and to return to the regular meeting of the Board of Supervisors. At that time, Chairman Pierce called for a break so that the Personnel Committee could continue to work on the RFP for group health insurance coverage. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

ZONING

Chairman Pierce opened the public hearing at 11:10 A.M. for recommendation of amendment for Buffalo County Zoning Regulations previously adopted by Buffalo County under Section 5.34 #20 under AGR. Deputy County Attorney Melodie Bellamy and Zoning Administrator LeAnn Klein were present at this time. Deputy County Attorney Bellamy reviewed the draft resolution. No one was present to address the Board on this issue and Chairman Pierce closed the public hearing at 11:12 A.M.

Moved by McMullen and seconded by Dannehl to approve the following Resolution 2009-34. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Klein, Loewenstein, Morrow and Pierce. Absent: Greder. (Greder was working on the draft of the request for proposal of the group health insurance coverages.) None voted "Nay". Motion declared carried.

RESOLUTION 2009-34

WHEREAS, ON March 24, 2009 this Board conducted a public hearing concerning proposed amendments to Buffalo County's Zoning Regulations and referred one approved amendment back to the Buffalo County Planning and Zoning Commission for further review and amendment, and

WHEREAS, on April 16, 2009 the Buffalo County Planning and Zoning Commission held a public hearing concerning the proposed amendment and recommended by unanimous vote that this Board approve such proposed amendment, and

WHEREAS, on May 12, 2009 this Board conducted a public hearing concerning the proposed amendment and no parties appeared to oppose such proposed amendment,

NOW THEREFORE, be it resolved by the Buffalo County Board of Supervisors that the following amendment is adopted with amending language as shown with underlying indicating added language and strikethrough indicating stricken language, with the relevant section reading as follows:

5.34 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the AGR Agricultural Residential District if a special permit for such use has been obtained in accordance with Article 6 of these regulations:

#20 Temporary construction ~~M~~material crushing plant that uses movable equipment utilized for area road or localized construction.

FURTHER RESOLVED that Buffalo County's Zoning Regulations be republished to reflect this and all prior amendments.

Moved by McMullen and seconded by Klein to move into Executive Session at 11:15A.M. to protect the public interest and to discuss contract lease negotiations. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Loewenstein, Morrow and Pierce. Absent: Greder. (Greder was working on the draft of the request for proposal of the group health insurance coverages.) None voted "Nay". Motion declared carried.

Moved by Dannehl and seconded by Klein to return to the open meeting at 11:26 A.M. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Loewenstein, McMullen, Morrow and Pierce. Absent: Greder. None voted "Nay". Motion declared carried. County Attorney Eatherton reiterated for the record that lease contract negotiations were discussed in the Executive Session. Discussion followed in the open meeting on the usage of Buffalo County owned property known as the U.S. Army Reserve property. No formal action was taken.

Supervisor Greder returned to the meeting at 11:40 A.M. with final draft copies of the actual RFP for group health insurance. The draft resolution that was presented and discussed in the May 6, 2009 Board meeting was also reviewed and revised. Moved by Greder and seconded by Klein to approve the following Resolution 2009-35 which is the formal request for proposal (RFP) for the group health insurance coverage. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Dannehl, McMullen, Morrow and Pierce. Absent: Loewenstein. Supervisor Loewenstein excused himself at 11:47 A.M. None voted "Nay". Motion declared carried.

RESOLUTION 2009-35

WHEREAS, Buffalo County incurs substantial costs to provide health insurance for its employees, and

WHEREAS, this Board of Supervisors for Buffalo County believes that providing health insurance coverage for its employees is a vital part of compensation for its employees, and

WHEREAS, this Board presently has health insurance coverage provided through plan sponsored by the Nebraska Association of County Officials (NACO) and such plan has come up for renewal with increased costs of coverage, and

WHEREAS, this Board believes that it would be financially prudent to investigate whether alternative health insurance coverage for Buffalo County employees is available and whether such alternative coverage can be provided for lower costs with similar and/or better health care provisions.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS THAT:

1. This Board formulate a Request for Proposals (RFP) stating the overall insurance contract provisions to be provided to any interested party desiring to provide group health insurance coverage to the employees of Buffalo County.
2. That this RFP is to be filed with the Clerk of Buffalo County on or prior to 8:00 a.m. May 13, 2009 for public examination, with copies made available for cost of \$5.00.
3. That any party desiring to submit a proposed bid for group health insurance coverage shall submit sealed bid to the Clerk of Buffalo County on or prior to May 26, 2009 at 9:15 a.m.
4. That the employees of Buffalo County provide to the Clerk generic health insurance information that can be collated and provided to parties desiring to submit health insurance coverage proposals. Copies of this collated health history information will be available to requesting parties for the charge of \$10.00.
5. Public Notice of this RFP with two publications shall additionally be done as is similar to public lettings. However this Board in following some of the public letting processes declares that the process of health insurance coverage is exempted from the public lettings procedures.

At 12:40 P.M Chairman Pierce asked if there was anything else to come before the Board before he declared the meeting adjourned until Tuesday, May 26, 2009 at 9:00 A.M. Chairman Pierce instructed County Clerk Janice Giffin to publish notice for the same according to Nebraska law.